

REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims replaces all prior versions, and listings, of claims in the application. Reexamination and reconsideration in light of the proposed amendments and the following remarks are respectfully requested.

Rejections under 35 USC § 103

In this Office action, the rejection asserts that Hardin et al. disclose control means responsive to identifying means for selecting an image signal from a selected one of at least two cameras, and quotes Fig. 2 elements 16, 20 and 22, in support of this position. However this is not correct. Hardin et al. do not in fact disclose a control means response to an identifying means for selecting an image signal from a selected one of said at least two cameras. Indeed, Fig. 2 elements 16, 20 and 22 do not disclose any of these features/processes and all that can be gleaned from this figure is disclosed at column 4, lines 51-61. Viz.:

FIG. 2 which shows an expanded block diagram of the video camera subsystem includes a narrow field-of-view lens 14 which provides an optical image to a left-hand video camera 16. A second narrow field-of-view camera lens 18 provides an optical image to a right-hand master video camera 20. The right-hand video camera includes sync which is supplied to the left-hand video camera 16 and to a sighting video camera 22 which is also slaved to the right-hand video camera 20. The sighting video camera 22 includes a wide field-of-view lens 24 for target acquisition.

As will be appreciated, even taken with Fig. 2, this does not disclose what is purported in this Office Action. For example, there is neither disclosure of selecting a image signal as per the rejection, nor disclosure of any image signals *per se*. Further, “slaving” the control of the sighting video camera and the left-hand video camera to the

right-hand video camera (viz., the master camera) does not in any way suggest the claimed selections of cameras and signals.

It is therefore submitted that this claimed element/requirement has not been identified in either of the references relied upon in this rejection. Accordingly, It is submitted that the rejection immediately fails to establish a *prima facie* case obviousness as a result.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord M.P.E.P. § 706.02(j).

In addition to the above-mentioned shortcoming, the rejection acknowledges that Hardin et al. are silent as to means for assessing the pose of the target and selection means arranged for selecting the said one camera at least partly upon the assessed pose. To overcome this admitted shortcoming, Maurer is cited.

However, the citation of this reference neither overcomes the above-noted deficiency nor achieve any progress in the direction of providing the acknowledged short fall in the disclosure. More specifically, the interpretation of the term "pose" in the rejection, is misplaced. As clearly defined in the specification, the term "pose" means "the spatial orientation or attitude of the object within the region" - see paragraph [0019].

In this response, the claims have been amended to use the expression "spatial orientation" in place of "pose." A rather different/narrower meaning such as a person "posing" for a picture, for example, has apparently been taken for the sake of rejection.

That is to say, column 10, lines 10-19 of Maurer are such as to disclose:

**A pose estimation bunch graph** makes use of a **family** of **two-dimensional bunch graphs** defined in the image plane. The different **graphs** within **one family** account for

different **poses and/or scales of the head**. The landmark finding process attempts to match each bunch graph from the family to the input image in order to determine the **pose** or size of the head in the image. An example of such pose-estimation procedure is shown in FIG. 12. The first step of the pose estimation is equivalent to that of the regular landmark finding. (Emphasis added)

The Maurer reference is directed to the use of an avatar apparatus and the tracking facial movements and the like – see column 1, lines 33-43 for example – which indicate that:

The present invention is embodied in an apparatus, and related method, for sensing a person's facial movements, features or characteristic. The results of the facial sensing may be **used to animate an avatar image**. The avatar apparatus uses an image processing technique based on model graphs and bunch graphs that efficiently represent image features as jets composed of wavelet transforms at landmarks on a facial image corresponding to readily identifiable features. The sensing system allows tracking of a person's natural characteristics without any unnatural elements to interfere with the person's natural characteristics. (Emphasis added)

It is not seen that the hypothetical person of ordinary skill would be motivated to consider any of the teachings which can be gleaned from this reference for use with those which are carried in Hardin et al. Indeed, it is submitted that Maurer is not related to the same field of endeavor as Hardin et al, irrespective of the fact that both are held, in this rejection, to be related to data processing and measuring. That is to say, Hardin et al. are directed to an optical range and speed detection system, while Maurer is directed to wavelet-based facial motion capture for avatar animation. The problem/solution processes involved are not seen as falling in the same field of endeavor.

Further, while Hardin et al. and Maurer both use cameras, Maurer is applied to a single camera arrangement as different from the multiple camera arrangement disclosed in Hardin et al. As will be appreciated, the signal processing is going to be fundamentally different with two or more cameras and for at least this reason, it is not seen that Maurer is sufficiently related to the processes which are used in Hardin et al., to induce the hypothetical person of ordinary skill to look to Maurer for any disclosure that may be relevant to the technology utilized in Hardin et al.

The motivation advanced in this rejection also appears to be colored with the incorrect interpretation that the claimed "pose" is a facial pose or the like. As noted above, this misplaced interpretation of the term "pose" is the undoing of this rejection.

In summary, since all of the rejections are founded on the basic combination of Hardin et al. and Maurer, it is submitted that all of the rejections which are made under 35 USC § 103(a) are untenable for at least the reasons advanced above and are therefore all respectfully traversed.

Favorable reconsideration and allowance of this application in light of the preceding remarks is courteously solicited.

Respectfully submitted,

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